

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARREL WAYNE VANDERGRIFF,

Plaintiff,

v.

TONY GAMBONE,

Defendant.

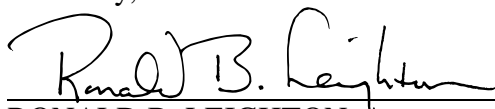
Case No. C06-5381RBL

ORDER ADOPTING THE REPORT  
AND RECOMMENDATION

The Court, having reviewed the file, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation [Dkt. #85] and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants motion for summary judgment is **DENIED**. A joint status report is due on or before **February 15, 2008** (Dkt # 48). The referral to Judge Arnold is terminated.
- (3) Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 10<sup>th</sup> day of January, 2008.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE